

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (GBD)(SN)

This document relates to:

Bakahityar Kamardinova, et al. v. Islamic Republic of Iran, No. 1:18-cv-05339 (GBD) (SN)

Alexander Jimenez, et al. v. Islamic Republic of Iran, No. 1:18-cv-11875 (GBD) (SN)

Marinella Hemenway, et al. v. Islamic Republic of Iran, No. 1:18-cv-12277 (GBD) (SN)

August Bernaerts, et al. v. Islamic Republic of Iran, No. 1:19-cv-11865 (GBD) (SN)

Jeanmarie Hargrave, et al. v. Islamic Republic of Iran, No. 1:20-cv-09387 (GBD) (SN)

Michael Bianco, et al. v. Islamic Republic of Iran, No. 1:20-cv-10902 (GBD) (SN)

Susan M. King, et al. v. Islamic Republic of Iran, No. 1:22-cv-05193 (GBD) (SN)

Justin Strauss, et al. v. Islamic Republic of Iran, No. 1:22-cv-10823 (GBD) (SN)

**PLAINTIFFS' NOTICE OF MOTION FOR JUDGMENTS BY DEFAULT FOR THE
STRAUSS PLAINTIFFS AGAINST THE ISLAMIC REPUBLIC OF IRAN AS TO
LIABILITY AND FOR PARTIAL FINAL JUDGMENTS FOR DAMAGES ON BEHALF
OF THE PLAINTIFFS IDENTIFIED IN EXHIBITS A AND EXHIBITS B**

PLEASE TAKE NOTICE that upon the supporting Memorandum of Law and the

Declaration of Jerry S. Goldman, Esq. ("Goldman Declaration") and exhibits annexed thereto,

and the exhibits submitted with access restricted to the Court pursuant to the May 5, 2022 Order,

ECF No. 7963, pertaining to expert reports submitted in support of default judgments, all

Plaintiffs in *Justin Strauss, et al. v. Islamic Republic of Iran*, No. 1:22-cv-10823 (GBD) (SN), by

and through their counsel, Anderson Kill P.C., respectfully move the Court for an ORDER

granting Plaintiffs' motion for entry of default judgment against the Defendant Islamic Republic

of Iran ("Iran") as to liability; AND

PLEASE TAKE FURTHER NOTICE that upon the supporting Memorandum of Law

and the Declaration of Jerry S. Goldman, Esq. and exhibits annexed thereto, certain of the

plaintiffs in the above-captioned matters who are identified in Exhibits A-1 to A-4 (collectively,

"Exhibits A") and Exhibits B-1 to B-7 (collectively, "Exhibits B") annexed to the Goldman

Declaration, by and through their counsel, Anderson Kill P.C., respectfully move this Court for an ORDER:

- (1) determining that service of process was properly effected upon Iran in accordance with 28 U.S.C. § 1608(a) for sovereign defendants and 28 U.S.C. § 1608(b) for agencies and instrumentalities of sovereign defendants;¹ AND,
- (2) awarding the Plaintiffs identified in Exhibits A judgments against Iran as to damages in the same amounts previously awarded by this Court to various similarly situated plaintiffs in *Burnett, Havlish, Ashton, Bauer, O'Neill*, and other cases; AND,
- (3) awarding solatium damages to those Plaintiffs identified in Exhibits A in the amounts of \$12,500,000 per spouse, \$8,500,000 per parent, \$8,500,000 per child, and \$4,250,000 per sibling, as set forth in annexed Exhibits A; AND,
- (4) awarding the estates of the 9/11 decedents, through the personal representatives and on behalf of all survivors and all legally entitled beneficiaries and family member of such 9/11 decedents, as identified by the Plaintiffs set forth in Exhibits B, compensatory damages for pain and suffering in the same per estate amount previously awarded by this Court regarding other estates of decedents killed in the September 11th attacks, as set forth in Exhibits B; AND,
- (5) awarding compensatory damages to certain Plaintiffs identified in Exhibits B for decedents' pain and suffering in an amount of \$2,000,000 per estate, as set forth in annexed Exhibits B; AND,
- (6) awarding the estates of the 9/11 decedents, through their personal representatives and on behalf of all survivors and all legally entitled beneficiaries and

¹ This only applies for the plaintiffs in this motion in the above-referenced 2018 matters, and for all plaintiffs in *Susan M. King, et al. v. Islamic Republic of Iran*, No. 1:22-cv-05193 (GBD) (SN) and *Justin Strauss, et al. v. Islamic Republic of Iran*, No. 1:22-cv-10823 (GBD) (SN).

family member of such 9/11 decedent, as identified in Exhibits B, an award of economic damages in the amount as set forth in Exhibits B; AND,

(7) awarding the Plaintiffs identified in Exhibits A and Exhibits B prejudgment interest at the rate of 4.96 percent per annum, compounded annually for the period from September 11, 2001 until the date of the judgment for damages; AND,

(8) granting the Plaintiffs identified in Exhibits A and Exhibits B permission to seek punitive damages, economic damages, and other appropriate damages, at a later date; AND,

(9) granting permission for all other Plaintiffs in these actions not appearing in Exhibits A and Exhibits B to submit applications for damages awards in later stages, to the extent such awards have not previously been addressed; AND,

(10) granting to the Plaintiffs in Exhibits A and Exhibits B such other and further relief as this Honorable Court deems just and proper.

Plaintiffs' request is made in connection with the judgments on default as to liability entered against Iran as follows:

CASE NAME	CASE NO.	DATE MOTION FOR LIABILITY WAS GRANTED	ECF NO. OF MOTION FOR LIABILITY THAT WAS GRANTED
<i>Bakahityar Kamardinova, et al. v. Islamic Republic of Iran</i>	No. 1:18-cv-05339 (GBD) (SN)	06/21/2019	ECF No. 4596
<i>Alexander Jimenez, et al. v. Islamic Republic of Iran</i>	No. 1:18-cv-11875 (GBD) (SN)	09/03/2019	ECF No. 5056
<i>Marinella Hemenway, et al. v. Islamic Republic of Iran</i>	No. 1:18-cv-12277 (GBD) (SN)	09/03/2019	ECF No. 5054
<i>August Bernaerts, et al. v. Islamic Republic of Iran</i>	No. 1:19-cv-11865 (GBD) (SN)	01/04/2022	ECF No. 7522

<i>Jeanmarie Hargrave, et al. v. Islamic Republic of Iran</i>	No. 1:20-cv-09387 (GBD) (SN)	01/04/2022	ECF No. 7522
<i>Michael Bianco, et al. v. Islamic Republic of Iran</i>	No. 1:20-cv-10902 (GBD) (SN)	01/04/2022	ECF No. 7522
<i>Susan M. King, et al. v. Islamic Republic of Iran</i>	No. 1:22-cv-05193 (GBD) (SN)	Motion is pending at ECF No. 9147	Motion is pending at ECF No. 9147

Dated: New York, New York
 August 16, 2023

Respectfully submitted,

/s/ Jerry S. Goldman

ANDERSON KILL P.C.

Jerry S. Goldman, Esq.

Bruce E. Strong, Esq.

Alexander Greene, Esq.

1251 Avenue of the Americas

New York, NY 10020

Tel: (212) 279-1000

Fax: (212) 278-1733

Email: jgoldman@andersonkill.com

bstrong@andersonkill.com

agreene@andersonkill.com

Attorneys for Plaintiffs